

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Committee Substitute for Senate Bill No. 36, Page 5, Section 211.073, Line 53, by
2 inserting after all of said section and line the following:

3
4 "565.020. 1. A person commits the crime of murder in the first degree if he knowingly causes
5 the death of another person after deliberation upon the matter.

6 2. Murder in the first degree is a class A felony, and, if a person has reached his or her
7 eighteenth birthday at the time of the commission of the crime, the punishment shall be either death
8 or imprisonment for life without eligibility for probation or parole, or release except by act of the
9 governor; except that, if a person has not reached his or her [sixteenth] eighteenth birthday at the
10 time of the commission of the crime, the punishment shall be either imprisonment for life without
11 eligibility for probation or parole, or release except by act of the governor, or life imprisonment with
12 eligibility for parole after forty years.

13 3. If the person has not reached his or her eighteenth birthday at the time of the commission
14 of the crime, the court shall hold a hearing upon the motion of the prosecuting attorney to determine
15 whether the mandatory sentence of life imprisonment should be without the possibility of parole or
16 with eligibility for parole after forty years. Such motion shall be filed within fourteen days of the
17 person's conviction. In the event the prosecuting attorney does not file such a motion within
18 fourteen days, the sentence shall be life with eligibility for parole after forty years.

19 4. The motion of the prosecuting attorney shall specify the basis on which he or she believes
20 the proper sentence shall be life without the possibility of parole.

21 5. At such hearing, the court shall consider both the statutory aggravating circumstances
22 under subsection 2 of section 565.032 and the statutory mitigating circumstances under subsection 3
23 of section 565.032.

24 6. At the sentencing, the court shall specify on the record the statutory aggravating
25 circumstances and the statutory mitigating circumstances considered by the court, and the court's
26 reasons supporting the sentence imposed. The court may consider evidence presented at trial
27 together with any new evidence presented at the sentencing hearing.

28 7. The procedures specified in subsections 3, 4, 5 and 6 of this section shall not apply to any
29 case that is final for purposes of appeal on or before the enactment date of this section. A case is
30 final for purposes of appeal when the time for filing an appeal in the Missouri Court of Appeals has
31 expired; if an appeal was filed in the Missouri Court of Appeals, when the time for filing an
32 application for transfer to the Missouri Supreme Court has expired; if an application for transfer to
33 the Missouri Supreme Court has been filed, when the application for transfer was denied or when a
34 timely filed motion for rehearing was denied; or if the Missouri Supreme Court granted transfer,
35 when the Missouri Supreme Court rendered its decision or when a timely filed motion for rehearing
36 was denied.

37 8. Any person sentenced to imprisonment for life without the eligibility for probation or

Action Taken _____ Date _____

1 parole for a crime committed before the person reached his or her eighteenth birthday, and who was
2 sentenced prior to the effective date of this section, may file a motion in the sentencing court for a
3 sentencing hearing. Such sentencing hearing shall be heard by the judge. The sole purpose of the
4 sentencing hearing shall be to determine if the sentence of imprisonment for life without the
5 eligibility for probation or parole which was originally imposed shall remain or should be amended
6 to life with eligibility for parole after forty years.

7 9. This section shall have an emergency clause and shall be effective upon signature by the
8 governor.

9 Section B. Because immediate action is necessary to protect public safety and to ensure the
10 constitutionality of statutes regarding criminal procedure for juvenile offenders the repeal and
11 reenactment of section 565.020 of section A of this act is deemed necessary for the immediate
12 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
13 emergency act within the meaning of the constitution, and the repeal and reenactment of section
14 565.020 of section A of this act shall be in full force and effect upon its passage and approval."; and

15
16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.
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